

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
UNITED STATES OF AMERICA :

- v. - :

MUSTAPHA RAJI, :

Defendant. :

19 Cr. 870 (JMF)

----- X  
**JOINT PROPOSED EXAMINATION OF PROSPECTIVE JURORS**

The defendant requests that the Court give preliminary instructions regarding the following issues and principles of law:

- 1) The Presumption of Innocence and the Burden of Proof;
- 2) Reasonable Doubt;
- 3) The Defendant Has a Right Not to Testify;
- 4) The Defendant is Not Required to Present Evidence; and
- 5) Whether the Jurors Would Follow These Instructions.

The parties respectfully request, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, that the Court include the following questions in its examination of prospective jurors.

**A. The Charges**

1. This is a criminal case. Mustapha Raji, the defendant, has been charged in an indictment with the commission of various federal crimes.

2. The Indictment is not proof of anything or evidence itself. It simply contains the charges that the Government is required to prove to beyond a reasonable doubt. I will summarize the charges in this case in order to determine whether there is anything about the nature of this

case which may make it difficult for any of you to serve on this particular jury.

3. The Indictment contains four counts or charges:

a. Count One charges that the defendant participated in a conspiracy to commit wire fraud from at least in or about July 2018 through in or about September 2018.

b. Count Two charges that the defendant committed wire fraud from at least in or about July 2018 through in or about September 2018.

c. Count Three charges that the defendant received stolen funds from at least in or about July 2018 through in or about September 2018.

d. Count Four charges that the defendant participated in a conspiracy to commit money laundering from at least in or about July 2018 through in or about September 2018.

4. In sum, the Government has alleged that the defendant participated in a scheme to defraud a company into sending money to the defendant and his co-conspirators under false pretenses, that the defendant received and helped others receive the stolen funds, and that the defendant participated in a conspiracy to launder the proceeds of that fraud scheme by concealing the source of the money and by transferring the fraud proceeds to other co-conspirators. At the end of the trial I will give you more detailed information, but keep in mind that the defendant is presumed innocent and has pled not guilty to each of the charges.

**B. Nature of the Charges**

5. Have any of you formed an opinion that the actions charged in the Indictment, as I have described them to you, should not be crimes, that the laws governing these offenses should not be enforced, or that these crimes should not be prosecuted by the United States Government?

6. Do you have any strong feelings about laws prohibiting fraud that might make it difficult for you to be a fair and impartial juror in this case? [If you would prefer not to give your

answer in open court, please say so.]

7. Do you have any strong feelings about laws prohibiting money laundering that might make it difficult for you to be a fair and impartial juror in this case? [If you would prefer not to give your answer in open court, please say so.]

8. Have any of you, or has any member of your family, ever lobbied, petitioned, or worked in any other manner for or against any laws or regulations relating to fraud or money laundering? [If so, when and what did you do?]

9. Do you have any strong feelings about individuals who engage in fraud or money laundering generally that might make it difficult for you to be a fair and impartial juror in this case? [If you would prefer not to give your answer in open court, please say so.]

10. Have any of you been involved, whether as a defendant, victim, or in any other way, in a case involving fraud or money laundering? [Is there anything about that experience that would prevent you from acting as a fair and impartial juror in this case? If you would prefer not to give your answer in open court, please say so.]

11. Have any of your relatives, close friends, or associates ever been involved, whether as a defendant, victim, or in any other way, in a case involving fraud or money laundering? [Is there anything about that experience that would prevent you from acting as a fair and impartial juror in this case? If you would prefer not to give your answer in open court, please say so.]

12. The defendant is charged with acting with others in committing the alleged crime. Some of those other individuals are not on trial in this case. You may not draw any inference, favorable or unfavorable, toward the Government or the defendant from that fact. You also may not speculate as to the reason why other persons are not on trial at this time. Would you have difficulty following this instruction or have difficulty rendering a fair and impartial verdict for this

reason?

**C. Knowledge of the Trial Participants**

13. As I mentioned previously, the defendant in this case is Mustapha Raji. [Please ask the defendant to stand.] Do any of you know, or have you had any dealings, directly or indirectly, with the defendant, or with any relative, friend, or associate of the defendant? [If so, how do you know the defendant? Is there anything about that relationship that would prevent you from rendering a fair and impartial verdict in this case?]

14. To your knowledge, do any of your relatives, close friends, associates, or employers know the defendant? [If so, how do they know the defendant? Is there anything about what you have heard from those other individuals that would prevent you from rendering a fair and impartial verdict in this case?]

15. The defendant is represented by Jeremy Schneider, who will be assisted by a paralegal, Mayerlin Ulerio. [Please ask defense to stand.] Do any of you know any of these individuals? Have you, your family members, or any close friends had any dealings either directly or indirectly with any of these individuals? [If so, is there anything about those dealings that could affect your ability to be fair and impartial in this case?]

16. The Government is represented here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern District of New York, who is Damian Williams. The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Catherine Ghosh, Jilan Kamal, and Robert Sobelman. They will be assisted by Special Agent Michael Ryan of the Federal Bureau of Investigation, and paralegal specialist Matthew Bailey with the U.S. Attorney's Office. [Please ask the AUSAs, agent, and paralegal to stand.] Do any of you know any of the attorneys, the agent, or paralegal that I have just identified? Have

any of you—or, to your knowledge, any member of your family or any close friend—had any dealings, directly or indirectly, with any of these individuals? [If so, is there anything about those dealings that could affect your ability to be fair and impartial in this case?]

17. I will now read a list of names, entities, and locations that may be mentioned during the trial. These include:

*[To be provided in advance of trial.]*

Do any of you know any of these individuals or entities, or have familiarity with the locations? Have you had any dealings either directly or indirectly with any of these individuals, entities, or locations? If so, is there anything about your familiarity with or knowledge of these individuals, entities, or locations that could affect your ability to be fair and impartial in this case?

**D. Relationship with Government**

18. Have you, any member of your family, or any of your close friends ever worked in law, law enforcement, the justice system, or the courts? [If so, in what capacity?]

19. Have you had any contact with anyone in law, law enforcement, the justice system, or the courts that might influence your ability to render a fair and impartial verdict in this case?

20. Do any of you know, or have any association—whether professional, business, or social, directly or indirectly—with any member of the United States Attorney’s Office for the Southern District of New York or the Federal Bureau of Investigation? Is any member of your family employed by any federal department or agency, or any law enforcement agency, whether federal, state, or local?

21. Do any of you have any bias, prejudice or other feelings for or against the United States Attorney’s Office, the Department of Justice, the Federal Bureau of Investigation, or any other law enforcement agency?

22. Have you, or has any member of your family, either as an individual, or in the course of business, ever been a party to any legal action or other dispute with the United States, or with any of the officers, departments, agencies, or employees of the United States, including the Department of Justice or the Federal Bureau of Investigation? Have any of you had any legal, financial, or other interest in any such legal action or dispute, or its outcome?

23. Do you have a case pending at this time in state court, federal court, tax court, or with any federal agency or appeal authority?

**E. Relationship with Defense Attorneys**

24. Have you, or has any member of your family or a close friend, ever studied or practiced law or worked in any capacity for a law office, public defender's office, or a private investigation firm? [If so, in what capacity?]

25. Have you, or has any member of your family or a close friend, had any experience with a criminal defense attorney that you think might make it difficult for you to be a fair and impartial juror in this case?

**F. Prior Jury Service**

26. Have any of you ever sat as a juror before in any type of case? [If so, please state whether the case was in state or federal court, whether it was a civil or criminal matter, and, without telling us what the verdict was, whether a verdict was reached.]

27. Have any of you served as a grand juror? [If so, please indicate where and when you served, and describe, in general terms, the kind of cases you heard.]

28. For those of you who have described prior jury service, is there anything about your prior experiences as a juror that would prevent you from acting as a fair and impartial juror in this case?

**G. Experience as a Witness, Defendant, or Crime Victim**

29. Have you, or any member of your family or any close friends, ever participated in a state or federal court case, whether criminal or civil, as a witness, plaintiff, or defendant? [If so, what kind of case and what was your role in that case? Is there anything about that experience that would prevent you from acting as a fair and impartial juror in this case? If you would prefer not to give your answer in open court, please say so.]

30. Have you ever sued anyone or been sued by anyone else? If so, what kind of case, and did you sue or were you sued? [If you would prefer not to give your answer in open court, please say so.]

31. Have you, or a relative or close friend, ever been charged with a crime? If so, who, what crime, and what was the outcome? [If so, is there anything about that experience that would prevent you from acting as a fair and impartial juror in this case? If you would prefer not to give your answer in open court, please say so.]

32. Have you, or a relative or close friend, ever been the victim of a crime? If so, who, what crime, was anyone arrested or prosecuted? [If so, is there anything about that experience that would prevent you from acting as a fair and impartial juror in this case? If you would prefer not to give your answer in open court, please say so.]

33. Have you, or a relative or close friend, ever been the subject of any investigation or accusation by any grand jury, state or federal, or any other investigation? If so, who, and what was the nature of the investigation or accusations? [If so, is there anything about that experience that would prevent you from acting as a fair and impartial juror in this case?]

34. Have you, or a relative or close friend, ever been subpoenaed for any inquiry or investigation? If so, who, and what type of inquiry or investigation? [If so, is there anything about

that experience that would prevent you from acting as a fair and impartial juror in this case?]

35. Have you, or a relative or a close friend, ever been questioned in any matter by the United States Department of Justice, the United States Attorney's Office for the Southern District of New York, or the Federal Bureau of Investigation? If so, who, and what was the nature of the questioning? [If so, is there anything about that experience that could affect your ability to be fair and impartial in this case?]

**H. Views on Certain Witnesses and Investigative Techniques**

36. Law enforcement witnesses: The Government witnesses in this case may include employees of government agencies—specifically, a Special Agent who is employed by the Federal Bureau of Investigation, and an employee of the Internal Revenue Service. Would any of you be more likely to believe a witness merely because he or she is employed by a government agency? Would any of you be less likely to believe a witness merely because he or she is an employee of a government agency? Does anyone have any personal feelings or experiences concerning law enforcement witnesses that would in any way affect their ability to be fair and impartial in this case?

37. Witnesses Testifying Pursuant to Cooperation Agreements: You may hear testimony from a witness who has entered into what is called a cooperation agreement with the Government. At the end of the case, I will give you more detailed instructions on this matter. For now, it is enough for you to know that a witness who has entered into a cooperation agreement with the Government was required to plead guilty to crimes and agreed to, among other things, testify in this case in the hope of receiving a lesser sentence. I instruct you that while the use of cooperation agreements is legal [defense requested addition: and I also instruct you that you must scrutinize such witness' testimony with great care]. Do you have any general feelings about the



Government's use of cooperation agreements that would make it difficult for you to render a wholly fair and impartial verdict? Would you have any bias for or against the Government because of testimony obtained in this manner? I will also instruct you that it is no concern of yours why the Government has chosen to offer a witness a cooperation agreement, and you are not to speculate about the reasons. Would you have any difficulty following my instructions on the law in this regard?

38. Investigative techniques:

a. Some of the evidence admitted at trial may come from searches performed by law enforcement of the defendant's or the defendant's alleged co-conspirators' electronic devices. I instruct you that those searches were legal and that the evidence obtained from those searches is admissible in this case. Do any of you have strong feelings about such searches or the use of evidence obtained from such searches that would affect your ability to be fair and impartial in this case?

b. [Government requested addition: Does anyone have any expectations about the types of evidence that the Government should or will present in this criminal trial, or in a criminal trial more generally?]

c. [Government requested addition: Would any of you be unable to follow my instructions that the Government is not required to use any particular investigative technique uncovering evidence of or prosecuting a crime?]

**I. Persons Not on Trial**

39. You might hear evidence in this trial of criminal activity committed by people other than the defendant. Those other individuals are not on trial here. You may not draw any inference, favorable or unfavorable, towards the Government or the defendant from that fact. You also may

not speculate as to the reason why other persons are not on trial. Is there any juror who cannot follow this instruction or who for this reason would have difficulty rendering a fair and impartial verdict?

**J. Ability to Sit as a Juror**

40. Do any of you have any difficulty in reading or understanding English?

41. Do any of you have problems with your hearing or vision which would prevent you from giving full attention to all of the evidence at this trial?

42. Are any of you taking any medication, or do any of you have any medical condition, that would prevent you from giving full attention to all of the evidence at this trial?

43. This trial is expected to last between one and two weeks. Do you have any commitments this week or next week that would interfere with your ability to serve as a juror in this case?

44. Do any of you have any religious, philosophical, or other beliefs that would make you unable to render a guilty verdict for reasons regardless of the evidence?

45. Although publicity about this trial is unlikely, I will instruct you that you are to absolutely avoid reading anything about this case in the newspapers or electronic media or listening to any radio or television reports concerning the case until after it is over. Will any of you have any difficulty following that instruction?

**K. Function of the Court and Jury**

46. The function of the jury is to decide questions of fact. You are the sole judge of the facts and nothing that the Court or the lawyers say or do may encroach in any way on your role as the exclusive fact-finder. When it comes to the law, however, you are to take your instructions from the Court, and you are bound by those instructions. You may not substitute your own notions

of what the law is, or what you think it should be. At the conclusion of the case, your job will be to determine whether or not the Government has met its burden of proof beyond a reasonable doubt as to each and every charge. Do any of you have any bias or prejudice that might prevent or hinder you from accepting the instructions of law that I will give you in this case?

47. [Government requested addition: It is not a particularly pleasant duty to find another individual guilty of committing a crime. Is there any juror who feels that even if the evidence established a defendant's guilt beyond a reasonable doubt, he or she might not be able to render a guilty verdict for reasons regardless of the evidence?]

48. [Government requested addition: Will each of you accept that the question of punishment is for the Court alone to decide, and that the possible punishment must not enter into your deliberations as to whether the defendant is guilty or innocent?]

49. Will each of you accept that sympathy must not enter into your deliberations and that only the evidence produced here in Court may be used by you to decide your verdict.

**L. Other Biases**

50. In these questions, I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior question, do any of you have the slightest doubt in your mind, for any reason whatsoever, that you will be able to serve conscientiously, fairly, and impartially in this case, and to render a true and just verdict without fear, favor, sympathy or prejudice, and according to the law as it will be explained to you?

**M. Juror's Background**

51. The Government respectfully requests that the Court ask each juror to state the following information:

- a. the juror's age;

b. with whom the juror lives, the area in which the juror resides and any other area the juror has resided during the last ten years;

c. the juror's educational background, nature of the course of study, including the highest degree obtained;

d. the juror's occupation/nature of juror's work/employment status, and whether the juror supervises others in the course of his/her duties;

e. if retired, or unemployed, the nature of the juror's past employment;

f. the name of the juror's employer, and the period of employment with that employer;

g. the same information concerning other employment within the last five years;

h. the same information with respect to the juror's spouse, domestic partner, and any working children;

i. whether the juror has ever served in the armed forces; if so what branch, where, when, and if assigned with military police;

j. websites, newspapers, and magazines the juror reads and how often;

k. television programs, blogs and podcasts the juror regularly watches and/or radio programs the juror regularly listens to;

l. the juror's hobbies and leisure-time activities; and

m. whether the juror is a member of any clubs, unions, or organizations.

**N. Requested Instruction Following Impaneling of the Jury**

52. From this point until the time when you retire to deliberate your verdict, it is your duty not to discuss this case with anyone, including your fellow jurors, and not to remain in the

presence of other persons who may be discussing this case. The rule about not discussing the case with others includes discussions even with members of your own family, and your friends. It also extends to any postings that you may make to social media, and I instruct you now that you are not to use Twitter, Facebook, Instagram, Snapchat, a personal blog, or any other form of social media to post anything related to this trial until after you have returned a verdict.

Do not read or listen to anything touching on this case in any way. With respect to any publicity this case generates, you are instructed not to read, listen to, or watch any news or other reports about the case. You must not be influenced by anything you might hear or see outside the courtroom. Do not do any research or investigation about the case or anything touching upon the case. Do not go on the Internet to do any searches about this case or these kinds of cases or any of the individuals involved.

If at any time during the course of this trial, any person attempts to talk to you or to communicate with you about this case, either in or out of the courthouse, you should immediately report such an attempt to me through my deputy clerk. In this regard, let me explain to you that the attorneys and the defendant in a case are not supposed to talk to jurors, not even to offer a friendly greeting. So if you happen to see any of them outside this courtroom, they will, and should, ignore you. Please do not take offense. They will be acting properly by doing so.

Dated: New York, New York  
September 1, 2022

Respectfully submitted,

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United States Attorney

By: /s/  
Catherine E. Ghosh  
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